

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: January 12, 2018

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IN THE MATTER OF THE APPLICATION OF :
NICOLE SOFIA JACUBOVICH AND :
CALANIT DIVA JACUBOVICH :
FOR AN ORDER TO TAKE DISCOVERY :
PURSUANT TO 28 U.S.C. § 1782 :

17 Misc. 489 (KPF)

**ORDER PURSUANT TO
28 U.S.C. § 1782**

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This Court having received the *ex parte* application dated November 30, 2017 (Dkt. #6), submitted on behalf of Applicants Nicole Sofia Jacobovich and Calanit Diva Jacobovich (collectively, “Applicants”) and seeking discovery pursuant to 28 U.S.C. § 1782; and this Court having considered all documents submitted in support of said application -- including the Applicants’ Memorandum of Law (Dkt. #9), Supplemental Memorandum of Law (Dkt. #14), and related Declarations (Dkt. #7, 8, 12, 13) -- requesting that this Court order the issuance of subpoenas directing the Development Corporation for Israel (“DCI”), Computershare Inc. (“Computershare”), the Bank of Nova Scotia, and the Bond Department, Ministry of Finance, Government of Israel (the “Bond Department”) to produce certain documents and provide testimony for use in an Argentine criminal proceeding pending before the First Instance Court for Criminal Investigations No. 21 in Buenos Aires, Argentina (the “Argentine Tribunal”), entitled *Gonzalo Manuel Vergara, et al. v. Jaime Moises Jacobovich, et al.*, case no. 49079/2016 (the “Argentine Proceeding”); and this Court being of the opinion that execution of this Order is in accordance with 28 U.S.C. § 1782(a) and a proper exercise of its discretion;

Now, it is hereby:

ORDERED that Applicants’ application pursuant to 28 U.S.C § 1782 for discovery from DCI, Computershare, the Bank of Nova Scotia, and the Bond Department is granted in its entirety; and it is further

ORDERED that subpoenas for production of documents and deposition testimony be issued forthwith to DCI, Computershare, the Bank of Nova Scotia, and the Bond Department (collectively, the “Subpoenas”) in accordance with the Federal Rules of Civil Procedure and served together with a copy of this Order, and that the Subpoenas provide for production of documents and taking of testimony concerning: (1) the payment of the proceeds of an Israeli Government Bond in the amount of \$5.425 million (the “First Bond”) to Jaime Jacobovich, a defendant to the Argentine Proceeding, by Israel Bonds International (“IBI”), an affiliate of DCI; and (2) the facilitation of IBI’s payment of the proceeds of the First Bond to Jaime Jacobovich; and it is further

ORDERED, that Kathleen M. Kundar, Esq., and any other attorney affiliated with the law firm of Fox Horan & Camerini LLP, be appointed to issue the Subpoenas to obtain such discovery pursuant to the Federal Rules of Civil Procedure; and it is further

ORDERED, that Kathleen M. Kundar, Esq., and any other attorney affiliated with the law firm of Fox Horan & Camerini LLP, be appointed as examiner to obtain the requested documents and take the depositions pursuant to the Federal Rules of Civil Procedure; and it is further

ORDERED, that Kathleen M. Kundar, Esq., and any other attorney affiliated with the law firm of Fox Horan & Camerini LLP, be appointed to return to the Argentine Tribunal the documents produced pursuant to the Subpoenas, as well as any certifications of authenticity of any of the documents and any transcripts of any depositions taken pursuant to the Subpoenas; and it is further

ORDERED, that this Court will retain such jurisdiction as is necessary to effectuate the terms of the Subpoenas or any additional subpoenas that may be requested or ordered for use in the Argentine Proceeding.

Dated: January 12, 2018
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge